

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEMYHA MICKEL,
 Petitioner,

v.

HARRY E. WILSON, et al.,
 Respondents.

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CIVIL NO. 05-CV-5980

ORDER

AND NOW, this 16th day of October 2006, upon consideration of the Petition for Writ of Habeas Corpus [Doc. #1], Respondents' Response to the Petition [Doc. #13], the well-reasoned Report and Recommendation of United States Magistrate Judge Linda K. Caracappa [Doc. #14], Petitioner's Objections to the Report and Recommendation [Doc. #17], and this Court's independent and thorough review of the entire Record, it is hereby **ORDERED** that:

1. the Report and Recommendation is **APPROVED** and **ADOPTED**;
2. the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 is **DENIED** and **DISMISSED** without an evidentiary hearing;
3. there is no probable cause to issue a certificate of appealability; and
4. the Clerk of Court shall **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe
CYNTHIA M. RUFÉ, J.